

CAUSE NO. 05-18-00098-CR

***IN THE
COURT OF APPEALS
FIFTH DISTRICT OF TEXAS
AT DALLAS***

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
06/06/2018 10:53:02 AM
LISA MATZ
Clerk

**JAMES HARBIN
Appellant
v.
THE STATE OF TEXAS**

MOTION TO EXTEND TIME FOR FILING APPELLANT'S BRIEF

TO THE HONORABLE JUSTICES OF THE COURT OF APPEALS:

COMES NOW James Harbin, Appellant herein, and respectfully submits this his first Motion to Extend Time for Filing Appellant's Brief pursuant to the provisions of **TEX. RULE. APP. 38.6 (d)** and in support thereof would show the Court as follows:

I.

The brief is currently due to be filed on May 26, 2018.

II.

Appellant requests an extension of sixty days to July 25, 2018.

III.

This has been a difficult and trying year physically for counsel. Counsel has missed most of two months of work this year beginning with the onset of back problems at the end of March. Counsel has consulted with three physicians in an attempt to alleviate the medical condition, either temporarily or permanently. None of the treatments have been completely successful. Counsel is meeting with his surgeon this afternoon for a treatment program. It is hopeful that counsel can return to work at least part time. Counsel requests the indulgence of the Court for the next several weeks in an attempt to restore a reasonable briefing schedule. On this day counsel will submit extension requests on five briefs (in addition to a brief due June 14, 2018 and a Petition for Discretionary Review due June 15, 2018). The briefs will be submitted in the order of the oldest initial due date until all the briefs have been submitted to the Court.

III.

No previous extension motion has been presented or granted.

WHEREFORE, for the foregoing reasons appellant through counsel, respectfully requests that this Honorable Court grant this motion.

Respectfully submitted,

/s/ Lawrence B. Mitchell

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Motion is being served on the attorney for the State of Texas, Lori Ordiway by e-mail at lori.ordway@dallascounty.org on this the 6th day of June 2018.

/s/ Lawrence B. Mitchell

LAWRENCE B. MITCHELL